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players in the industry. There are several aspects of the bill that we'd like to comment on. We assume that for purposes of this bill a telecommunications company is an entity meeting the definition of Section 86, and so on and so forth, whether or not they are a common or a contract carrier, as certificated by the Public Service Commission. The answer is yes. We would like the committee to consider adding language to the new telecommunications fining authority, appearing on page 3, lines 7 to 16, which is similar to that which you have already enacted for motor carrier violations. That is part of the committee amendment, putting in the language that says that the fine can be mitigated, depending upon the circumstances and the gravity of the situation. The language we favor appears in lines 14 to 21, on page 2, and states that the penalty shall be based on severity of the violation. The commission can compromise or mitigate any penalty prior to hearing, if all parties agree. In determining the amount of penalty the commission shall determine the appropriateness of the penalty in light of the gravity of the violation and the good faith of the violator in attempting to achieve compliance. That is what we did with the amendment. If these requirements are reasonable guides in administering civil penalties for motor carrier violations, it would seem reasonable to allow these same guidelines to guide the commission's discretion in fining telecommunications carriers. We did that. Additionally, we would encourage the committee to look at a standard of liability and an evidentiary standard. We did that; we put in "clear and convincing evidence" into the amendment. Next, well, it goes on into some other areas that aren't relevant to this bill at this time. But the point is that this was given as opponent testimony, but it was clear to us that the industry is taking a position which I...which I really compliment them on, and that is...

PRESIDENT MAURSTAD: One minute.

SENATOR BROMM: ...a position recognizing that we are in a different ball game today than we were five years ago, perhaps even three or four years ago. And it is necessary to give the Public Service Commission this additional authority so that things can be implemented, so that we can move on down the course of competitiveness and a level playing field, and we're